hvn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2615 OF 2005

Sheikh Abdul Hakim Ansari ... Petitioner

Versus

Union of India and Ors. ... Respondents

Mr. Rajiv Patil i/by Ms. Hemani Jhariya for Petitioner.

Mr. S.S. Pakale with Ms. Ritu Singh for R. No. 1.

Mr. I. Engineer with Mr.R .C. Master for R. Nos. 2 and 3.

Ms. Snehal Paranjape with Mr. Rafique with Mr. Prakash Shinde i/by M. Dhruva & Co. for R. No. 4.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: DECEMBER 20, 2006

P.C.:

. Rule. Heard forthwith.

. The Petitioner was earlier working with Respondent Nos. 1 to 3 untill he was retired on the ground of medical unfitness. At the relevant time, he was posted on duty on the establishment of Respondent No. 4. In case of CISF personnel who are deputed for duty to other organizations, Rule 62 of Central Industrial Security Force Rules, 2001 lays down as under :

> "62. Medical facilities - Members of the Force shall be entitled to the facilities of the Central Government Health Scheme and in places where these facilities are not

> available, they shall be governed by the Central Civil Services (Medical Attendant) Rules, 1944.
>
> Provided that when they are deployed in a Public Sector Undertaking - (i) in a case where such Public Sector Undertaking provides medical facilities to its employees, such members of the Force shall be entitled to avail such facilities free of charge; and
>
> (ii) if such facilities are not available, the authorised medical attendant for such members of the Force will be as provided in Central Civil Services (Medical Attendant) Rules, 1944."

. When the Petition came up for hearing we had set out some facts and by order of 24.11.2006 issued certain directions. Pursuant to that order respondent No.4 has deposited a sum of Rs. 7 lacs before this court, which amount was ordered to be deposited in terms of what Jaslok Hospital and Research Centre had set out to be the cost which would be incurred by the Petitioner for his treatment for Parkinsons disease. We had also by way of interim arrangement, stayed the order of 24.8.2005 which was the order, retiring the Petitioner from the service on the ground of medical unfitness.

. After hearing the counsel for the parties, in our opinion, this Petition can be disposed of by issuing the following directions :

(a) The sum of Rs. 7 lacs. be released in favour of Jaslok Hospital and Research Centre for the treatment of the Petitioner. The Prothonotary and Senior Master to issue a cheque for that sum in favour of Jaslok Hospital and Research Centre.

(b) With the deposit of s. 7 lacs. in so far as Respondent No. 4 O.N.G.C. is concerned, the Petitioner has no further claim and make a statement which is accepted that he will not make any further claim.

(c) Any further claim in so far as Petitioner is concerned, would be in terms of the rules of C.S.I.F. for an employee who has been retired on account of medical unfitness.

. At the bar, the counsel for the Petitioner points out that the Petitioners has already applied for membership of the C.G.S. (Central Government Health Scheme). The Respondent Nos. 1 and 5 to dispose of the application at the earliest and make available the benefits which the Petitioner is entitled to.

. As the Petitioner will have to be treated at Jaslok Hospital the respondent to allow the Petitioner to reside in the premises upto 30th April, 2007 without any charges except nominal

charges for electricity and water supply, if any. After 30.4.2007, the Petitioner to hand over the possession of the said premises to the concerned authorities.

. Considering the Petitioner has been medically disabled, if there be any policy for providing employment on compassionate basis, if the Petitioner's son applies for the same, the respondent to consider the same, according to law.

. The respondent to see that the Petitioner's pension and other dues if not paid, are paid at the earliest.

. Rule made absolute accordingly. No order as to costs.

. All parties to act on the copy of this order duly authenticated by the Private Secretary of this Court.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**